

rection of any peace officer, State Ranger or any other person; providing for a penalty when making an unlawful search, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 3, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 3 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 3, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 29 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 3, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 114 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 3, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 103 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 3, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 113 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

17--Senate.

Committee Room,  
Austin, Texas, Feb. 3, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 124 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 3, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 137 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 3, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 105 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 3, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 112 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 3, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 175 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

## EIGHTEENTH DAY.

Senate Chamber,  
Austin, Texas,  
Wednesday, February 4, 1925.  
The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Pollard.
Berkeley.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.
Parr.	

Absent.

Bledsoe.

Absent—Excused.

Lewis.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

#### Bills and Resolutions.

By Senator Murphy et al:

S. B. No. 231, A bill to be entitled "An Act to create a district court within and for Harris County, Texas, to be known as the District Court 103, Judicial District of Texas, and to define the jurisdiction of said court; to provide for the venue and transfer of causes to said court, and conferring upon said district court the power, duty and jurisdiction to try and determine all divorce causes in said county; to adjudicate property rights in connection with divorces and to try and determine all causes involving dependent and delinquent children, wife desertion, and in all other causes that may arise in connection with or growing out of the above named causes, or be necessary to the adjudication of said causes; providing for the time of holding said court; providing for the appointment and election of a judge thereof; providing for the sheriff and criminal district attorney, clerks and other officers thereof; to limit and conform thereto other district courts and county courts of Harris County, Texas; to confirm and validate all writs, bonds, process and recognizance already issued or to be hereafter issued; to repeal all laws and parts of laws in conflict herewith."

Read first time and referred to Committee on Judicial Districts.

By Senator Bailey et al:

S. B. No. 232, A bill to be entitled "An Act authorizing the Texas Library and Historical Commission to place certain historical relics in the custody of the Daughters of the Republic of Texas and the United Daughters of the Confederacy, Texas Division, providing for their safe keeping, safe guarding the title of the State thereto, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Wood:

S. B. No. 233, A bill to be entitled "An Act providing that all statements made to any fraternal benefit society by the insured shall, in the absence of fraud, be deemed representations and not warranties; that the policies shall be incontestible after two years from date; and providing that in all cases where a loss occurs and the fraternal benefit society liable thereunder shall fail to pay the same within thirty days after demand therefor, such society shall be liable to pay the beneficiary of such policy, in addition to the amount of the loss, twelve per cent damages on the amount of such loss, together with reasonable attorneys' fees for the prosecution and collection of such loss."

Read first time and referred to Committee on Insurance.

By Senator Witt:

S. B. No. 234, A bill to be entitled "An Act to amend Article 6171j of Title 103 of the Revised Civil Statutes of the State of Texas, relating and pertaining to assignments, mortgages and power of attorneys to collect salaries or wages, and requiring such assignments, mortgages or power of attorneys to be signed and duly acknowledged by the employer; repealing all laws and parts of laws in conflict, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Stuart:

S. B. No. 235, A bill to be entitled "An Act amending Sections 4 and 6 of Chapter 78, of the General Laws of the Second Called Session of the Thirty-sixth Legislature, all of said sections relating to intoxicating liquors, and to distilled, malt, spirituous, vinous, fermented or alcoholic liquors and alcoholic liquids, com-

pounds and preparations, patent and proprietary medicines or preparations or solutions; providing for better control prohibition and regulation of traffic in intoxicating liquors; prescribing necessary penalties and defining necessary offenses; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Fairchild:

S. B. No. 236, A bill to be entitled "An Act making an emergency appropriation for the State penitentiary system; restricting the use of said appropriation and providing that it shall not be used for certain purposes, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Ward:

S. B. No. 237, A bill to be entitled "An Act giving the Attorney General's Department additional needed rooms and space in the State Capitol building and authorizing the Board of Control to occupy quarters elsewhere in the Capitol or State Land Office building; authorizing the Board of Control to reassign or relocate other officers, departments and employes to the extent necessary to accomplish such purpose; providing the necessary funds to accomplish the purpose of this Act, and declaring an emergency."

Read first time and referred to Committee on Public Buildings and Lands.

By Senator Bowers:

S. B. No. 238, A bill to be entitled "An Act to increase the civil jurisdiction of the county courts of Lee County, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Parnell:

S. B. No. 239, A bill to be entitled "An Act creating and incorporating the Eliasville Independent County Line School District lying in the counties of Young and Stephens in the State of Texas, defining the boundaries thereof, providing for a board of trustees thereof, placing said independent district under the control of the General Laws governing independent districts, providing that no outstanding indebtedness of

the Eliasville County Line District be invalidated, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

### Simple Resolution No. 27.

By Senator Pollard:

Whereas, Misses Reed, Bengé, Hendrix and Cooper, of the Texas School for the Deaf and Dumb, are on the floor of the Senate and desire to cordially extend an invitation to attend a banquet at the Texas School for Deaf, Friday afternoon, February 6, from 4 to 8:30 p. m.; therefore be it

Resolved, That these worthy girls be invited to address the Senate.

The resolution was read and adopted, and

The Chair requested that the young ladies be escorted to the President's stand, whereupon, they, in the deaf and dumb language, extended an invitation to the members of the Senate to be guests at an entertainment at the School Friday afternoon from 4 to 8:30 o'clock p. m.

### S. C. R. No. 17.

By Senator Bailey:

S. C. R. No. 17, A concurrent resolution requesting and demanding the repeal of the Esch-Cummins Law and the Transportation Act passed by Congress in 1920 or the modification of such Act by the reduction of the present passenger rates and freight rates upon farm products and livestock.

Whereas, the present passenger rates and freight rates for shipment of grain, other farm products and livestock by the railroads are excessive and of such a nature, in many instances, as to render the prices received by the producers of such commodities less than the cost of production; and

Whereas, several efforts have been ineffectually made by the Railroad Commission of the State of Texas to secure reductions that are just, equitable and fair to the traveling public and for the preservation of the great industry of agriculture and livestock of the State of Texas; and

Whereas, the rates now in force are far in excess of the rates in force prior to 1918; and

Whereas, such passenger rates and freight rates on all farm products

and livestock are a great burden to the people of the State of Texas; therefore,

Be it Resolved by the Senate of Texas, the House of Representatives concurring, That it hereby, in behalf of the people of the State of Texas, requests and demands that the Congress of the United States, by appropriate legislation or otherwise, and the Interstate Commerce Commission and all other bodies of the Federal Government having in their power or discretion to construe, repeal, modify, reduce, revise or amend the present passenger and freight rates perform such duties so as to comply with the requests of the people of the State of Texas, and thereby remove this burden and menace to the prosperity of the people and welfare of the agricultural and livestock interests of the State of Texas; and

Be it further Resolved, That copies of this resolution be prepared by the Secretary of the Senate and forwarded to our Representatives and Senators in Congress, to the Secretary of the Senate, and the Chief Clerk of the House of Representatives of the United States, and to the Interstate Commerce Commission.

The resolution was read and adopted.

#### S. C. R. No. 18.

By Senator Davis:

Be it Resolved by the Senate of Texas, the House of Representatives concurring, That the publisher, or printer, or who prints the Senate and House Bills be requested, directed and instructed to publish and return all appropriation bills as soon as possible after delivery to such printer—giving preference to all appropriation bills over other bills.

The resolution was read and adopted.

#### Addition to Standing Committee.

The Chair, at the request of the chairman, added Senators Price, Smith and Pollard to the Committee on Educational Affairs.

#### House Bill No. 146.

The Chair laid before the Senate, on second reading,

H. B. No. 146, A bill to be entitled "An Act dividing Ropes Independent School District in Hockley County, Texas; creating two independent school districts; creating and incor-

porating Ropes Independent School District No. 1, Hockley County, Texas, etc., and declaring an emergency."

The bill was laid on the table, subject to call.

#### House Bill No. 122.

The Chair laid before the Senate, on second reading,

H. B. No. 122, A bill to be entitled "An Act validating the proceedings of the county school boundaries of Alice Independent School District in said Jim Wells County and validating all proceedings had with request to levying a tax of \$1 upon the \$100 valuation of all the taxable property in said school district and validating all proceedings had with reference to the issuance of \$75,000.00 of school building bonds and authorizing their issuance and repealing all laws in conflict, and declaring an emergency."

The committee report, that the bill be not printed, was adopted.

H. B. No. 122 was read second time and passed to a third reading.

#### House Bill No. 7.

The Chair laid before the Senate, on second reading,

H. B. No. 7, A bill to be entitled "An Act creating and incorporating French Independent School District in Jefferson County, Texas; defining its boundaries; prescribing the manner of changing and modifying the boundaries of said school district."

The committee report, that the bill be not printed, was adopted.

H. B. No. 7 was read second time and passed to a third reading.

#### House Bill No. 12.

The Chair laid before the Senate, on second reading,

H. B. No. 12, A bill to be entitled "An Act authorizing the Rio Grande & Eagle Pass Railway Company to abandon Minera Station, the western terminal of said railway in Webb County, Texas, and 8,000 feet of the main line track immediately southeast thereof, and to take up and remove all tracks, bridges and culverts within the area, and creating an emergency."

The committee report, that the bill be not printed, was adopted.

H. B. No. 12 was read second time and passed to a third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 12 put on its third reading and final passage, by the following vote:

## Yeas—26.

Bailey.	Price.
Berkeley.	Real.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Miller.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Pollard.	Woodward.

## Absent.

Hardin of Kaufman	Lewis.
Holbrook.	Parnell.

## Absent—Excused.

Bledsoe.

The bill was read third time and passed finally, by the following vote:

## Yeas—27.

Bailey.	Price.
Berkeley.	Real.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Hardin of Kaufman	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parr.	Woodward.
Pollard.	

## Absent.

Holbrook.	Parnell.
Lewis.	

## Absent—Excused.

Bledsoe.

## House Bill No. 5.

The Chair laid before the Senate, on second reading,

H. B. No. 5, A bill to be entitled "An Act creating and incorporating Common School District No. 16, of Jefferson County, Texas.

The committee report, that the bill be not printed, was adopted

H. B. No. 5 was read second time and passed to a third reading.

## House Bill No. 51.

The Chair laid before the Senate, on second reading,

H. B. No. 51, A bill to be entitled "An Act creating and incorporating the Wells Independent School District in Lynn County, Texas.

The bill was read second time and laid on the table, subject to call.

## House Bill No. 136.

The Chair laid before the Senate, on second reading,

H. B. No. 136, A bill to be entitled "An Act creating the Flomot Independent School District in Motley County, Texas."

The bill was read second time and laid on the table, subject to call.

## House Bill No. 141.

The Chair laid before the Senate, on second reading,

H. B. No. 141, A bill to be entitled "An Act creating and incorporating Holliday Independent School District, in Archer County, Texas."

The committee report, that the bill be not printed, was adopted.

House Bill No. 151 was read second time and passed to third reading.

## House Bill No. 150.

The Chair laid before the Senate, on second reading,

H. B. No. 150, A bill to be entitled "An Act creating and incorporating the New Home Independent School District in Lynn County, Texas."

The committee report, that the bill be not printed, was adopted.

House Bill No. 15 was read second time and laid on the table, subject to call.

## House Bill No. 152.

The Chair laid before the Senate, on second reading,

H. B. No. 152, A bill to be entitled "An Act validating Common School District No. 3, of Hudspeth County, and validating a maintenance tax election heretofore held by said district; defining the powers of the county board of school trustees of Hudspeth County, of said district, and declaring an emergency."

The committee report, that the bill be not printed, was adopted.

House Bill No. 152 was read second time and passed to third reading.

#### House Bill No. 158.

The Chair laid before the Senate, on second reading,

H. B. No. 158, A bill to be entitled "An Act creating the Eli Independent School District in Hall County, Texas, defining its metes and bounds, providing a board of trustees therefor, for raising revenue, issuing bonds, vesting it with the rights, powers and duties of districts incorporated for school purposes only under the General Laws of the State of Texas; providing for the assumption of the outstanding bonds of the Eli Common School District, and declaring an emergency."

The committee report, that the bill be not printed, was adopted.

House Bill No. 15 was read second time and laid on the table, subject to call.

#### House Bill No. 172.

The Chair laid before the Senate, on second reading,

H. B. No. 172, A bill to be entitled "An Act to create the Caddo Independent School District in Stephens County, Texas."

The committee report, that the bill be not printed, was adopted.

House Bill No. 172 was read second time and passed to third reading.

#### House Bill No. 80.

Action here recurred on the pending business, H. B. No. 80, under consideration at the Senate adjournment on yesterday.

The bill had been read second time, and action recurred on the pending amendment, by Senator Pollard. The amendment was adopted. (See Journal of yesterday for the amendment in full.)

Senator Floyd offered the following amendment, which was read and adopted:

Amend the amendment, page 2, beginning after the word "within," line 12, by striking out all of the remaining line 12 and all of line 13 down to and including word "unpaid" and insert in lieu thereof the following, "Thirty days after the same is returned unpaid and the

drawer of such check has been notified, either in person or by mail of such."

Senator Bailey offered the following amendment, which was read and adopted:

Amend H. B. No. 80 by striking out all of Section 3 after the word "suspended," so that the Act shall not take effect from and after its passage.

Pending discussion Senator Wirtz moved that further action on the bill be indefinitely postponed, and

Senator Stuart moved to table the motion, which motion to table was adopted by the following vote:

#### Yeas—15.

Berkeley.	Smith.
Bowers.	Stuart.
Floyd.	Triplett.
Hardin of Erath.	Ward.
Moore of Hunt.	Witt.
Pollard.	Wood.
Real.	Woodward.
Reid.	

#### Nays—12.

Bailey.	Murphy.
Davis.	Parr.
Fairchild.	Price.
Hardin of Kaufman	Russek.
Miller.	Strong.
Moore of Cooke.	Wirtz.

#### Absent.

Holbrook.	Parnell.
Lewis.	

#### Absent—Excused.

Bledsoe.

Action recurred on the engrossment of the bill, and the bill was passed by the following vote:

#### Yeas 17.

Berkeley.	Reid.
Bowers.	Smith.
Fairchild.	Stuart.
Floyd.	Triplett.
Hardin of Erath.	Ward.
Moore of Hunt.	Witt.
Parnell.	Wood.
Pollard.	Woodward.
Real.	

#### Nays—8.

Bailey.	Price.
Moore of Cooke.	Russek.
Murphy.	Strong.
Parr.	Wirtz.

**Absent.**

Bledsoe. Lewis.  
Hardin of Kaufman Miller.

(Pair Recorded.)

Senator Davis (present), who would vote nay; with Senator Holbrook (absent), who would vote yea.

**Message from the House.**

Hall of the House of Representatives,  
Austin, Texas, Feb. 4, 1925.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 16, Relating to State Parks.

H. C. R. No. 6b, Relating to compensation for the farmers affected by the quarantine against certain insects of this State.

H. B. No. 107, A bill to be entitled "An Act to amend Section 2, Chapter 23, Acts of the Second Called Session of the Thirty-sixth Legislature, fixing a maximum portion of the thirty-five cent ad valorem school tax to be used for purchase and distribution of free text books, and declaring an emergency."

H. B. No. 110, A bill to be entitled "An Act providing that counties that borrowed money from the State of Texas under the provisions of Section 13, Chapter 4, Acts of the Thirty-fifth Legislature, passed at the Fourth Called Session, may by payment of accrued interest be given an option of five years additional time in which to return the principal, and declaring an emergency."

H. B. No. 165, A bill to be entitled "An Act creating and incorporating Dixie Independent School District in Lynn County, Texas, out of territory now comprising Common School District No. 18, of Lynn County, as heretofore created by the county board of school trustees of said county; defining boundary thereof; providing for a board of trustees, their election, terms of office, qualification, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Dixie Independent School District shall assume and discharge any and all indebtedness

constituting valid and binding obligations of said Common School District No. 18 of Lynn County; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property of said common school district shall vest in the trustees of independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provisions hereof, and declaring an emergency."

H. B. No. 181, A bill to be entitled "An Act to amend Section 2, Chapter 99 of the Local and Special Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to change the boundaries of the Wichita Falls Independent School District in Wichita County, Texas, and declaring an emergency.'"

H. B. No. 209, A bill to be entitled "An Act to create the Letts Common School District No. 10 in Hall County, Texas, including therein territory included in the present Bridle Bits Common School District and Wolf Flat Common School District in Hall County, Texas; providing board of trustees therefor; vesting said common school district board of trustees with all the rights, powers, privileges and duties conferred upon common school districts organized under the General Laws of Texas; providing for a board of trustees for said district to serve until the time for the next election of school trustees in common school districts as provided by the General Law; authorizing the said Letts Common School District to hold an election to determine whether or not the said district shall assume and make provision for the payment of the outstanding bonded indebtedness of the territory incorporated herein, and declaring an emergency."

Respectfully submitted,

C. L. PHINNEY,  
Chief Clerk, House of Representatives.

**Senate Bill No. 8.**

The Chair laid before the Senate, on second reading,

S. B. No. 38, A bill to be entitled "An Act amending Article 6959a of the Penal Code of the State of Texas, relating to the pollution of water courses and other bodies of water; declaring an emergency."

The bill was read third time and passed finally.

**Senate Bill No. 105.**

The Chair laid before the Senate, on third reading,

S. B. No. 105, A bill to be entitled "An Act validating the charters and amendments to charters of all cities of more than five thousand inhabitants in this State, which have adopted charters or attempted to adopt or amend charters, since the enactment of Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, 1913, and validating all proceedings had by city councils or city commissions, or other governing authority, of said cities, in regard to the question of the adoption of charters or amendments thereto, and declaring an emergency."

The bill was read third time and passed finally.

**Senate Bill No. 119.**

The Chair laid before the Senate, on third reading,

S. B. No. 119, A bill to be entitled "An Act to amend Article 3681, Chapter 3, Title 53 of the Revised Civil Statutes of Texas, 1911, relating to the taking of depositions, and declaring an emergency."

The bill was read third time and passed finally, by the following vote:

Yeas—26.

Berkeley.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Miller.	Stuart.
Moore of Hunt.	Triplett.
Moore of Cooke.	Ward.
Murphy.	Wirtz.
Parnell.	Witt.
Parr.	Wood.
Pollard.	Woodward.

**Absent.**

Bailey. Holbrook.  
Bledsoe. Lewis.  
Hardin of Kaufman

**Senate Bill No. 124.**

The Chair laid before the Senate, on third reading,

S. B. No. 124, A bill to be entitled "An Act to amend Section 3, Chapter 26 of the General Laws of the State of Texas passed by the Thirty-sixth Legislature, at the Regular Session thereof in 1919 entitled, 'An Act to fix the compensation of county and district courts' jurors in both civil and criminal cases, jury commissions of the district and county courts and bailiffs of the grand jury,' the amendment being to the effect that each grand jury bailiff appointed as such bailiff by the court in counties of 150,000 population and more according to the 1920 census of the United States shall receive as compensation for his service the sum of \$5.00 for each day that he may serve as a grand jury bailiff."

The bill was read third time and passed finally.

**Senate Bill No. 137.**

The Chair laid before the Senate, on third reading,

S. B. No. 137, A bill to be entitled "An Act to amend Articles 4155 and 4156 of the Civil Statutes of Texas, 1911, relating to the management and control of the estates of minors by guardian, so as to provide for the sale of the real estate of minors, and for the improvement of such real estate, and for the extension of debts against the estate of such minor, and to provide for securing the payment of such debts and for such improvements by executing mortgages, deeds of trust, mechanics' contracts and material men lien in the manner and under the circumstances herein set forth, and providing for application for such order whenever it appears that a necessity exists therefor, and declaring an emergency."

The bill was read third time and passed finally.

**Senate Bill No. 143.**

The Chair laid before the Senate, on third reading,

S. B. No. 143, A bill to be entitled "An Act to amend Article 2771 of the Revised Civil Statutes of 1911,



as amended by the Thirty-fifth Legislature, Chapter 160, reducing the amount of bond required of depositors of independent districts."

The bill was read third time and passed finally.

#### Senate Bill No. 153.

The Chair laid before the Senate, on third reading,

S. B. No. 153, A bill to be entitled "An Act defining negligent assault and negligence; making it an offense to negligently injure the person or property of another, affixing a punishment therefor, and declaring an emergency."

The bill was read third time and passed finally.

#### Senate Bill No. 162.

The Chair laid before the Senate, on third reading,

S. B. No. 162, A bill to be entitled "An Act to create the Hobbs Independent School District in Fisher County, Texas, including therein the present Hobbs Common Consolidated District No. 18 in Fisher County; providing a board of trustees therefor, vesting said independent school district board of trustees with all the rights, powers, privileges and duties of independent districts incorporated under the General Laws of Texas; and providing for a board of trustees to serve until the time for the next election of school trustees as provided by General Law, and declaring an emergency."

The bill was read third time and passed finally.

#### Senate Bill No. 163.

The Chair laid before the Senate, on third reading,

S. B. No. 163, A bill to be entitled "An Act to create the Blackwell Independent School District in Nolan County, Texas, including therein the present Blackwell Common School District No. 23, Nolan County; providing a board of trustees therefor; vesting said independent school district board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; and providing for a board of trustees to serve until the time for the next election of school trustees as provided by General Law, and declaring an emergency."

The bill was read third time and passed finally.

#### Senate Bill No. 64.

Senator Parr moved to reconsider the vote by which the Senate indefinitely postponed the further consideration of Senate Bill No. 64 on yesterday.

The motion to reconsider was adopted by the following vote:

Yeas—15.

Berkeley.	Reid.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Moore of Hunt.	Triplett.
Murphy.	Witt.
Parr.	Wood.
Price.	Woodward.
Real.	

Nays—5.

Davis.	Moore of Cooke.
Hardin of Kaufman.	Parnell.
Miller.	

Absent.

Bowers.	Russek.
Fairchild.	Ward.
Holbrook.	Wirtz.
Lewis.	

(Pairs Recorded.)

Senator Pollard (present), who would vote yea with Senator Bailey (absent), who would vote nay.

Senator Smith (present), who would vote nay with Senator Bledsoe (absent), who would vote yea.

The Chair laid Senate Bill No. 64 before the Senate, and the bill was laid on the table, subject to call.

#### House Bills on First Reading.

The following House Bills were laid before the Senate, read severally first time and referred to appropriate committees:

House Bill No. 107 referred to Committee on Educational Affairs.

House Bill No. 110 referred to Committee on State Affairs.

House Bill No. 165 referred to Committee on Educational Affairs.

House Bill No. 181 referred to Committee on Educational Affairs.

House Bill No. 209 referred to Committee on Educational Affairs.

House Concurrent Resolution No. 6 referred to Committee on Agricultural Affairs.

**Senate Bill No. 92.**

Senator Davis moved to reconsider the vote by which the Senate refused, on yesterday, to order Senate Bill No. 92 engrossed, and to spread the motion to reconsider on the Journal.

**Recess.**

On motion of Senator Wood the Senate, at 12 m., recessed until 2 o'clock today.

**After Recess.**

The Senate was called to order by Lieutenant Governor Miller.

**House Bill No. 116.**

The Chair laid before the Senate, on second reading,

H. B. No. 116, A bill to be entitled "An Act authorizing owners of oil and gas permits and leases issued on University land to sell and transfer same as a whole or in tracts not less than forty acres except in certain cases."

The committee report, that the bill be not printed, was adopted.

Senator Berkeley offered the following two amendments, severally, which were read and adopted:

(1). Amend H. B. No. 116, by striking out all below the enacting clause and substituting the following:

Section 1. Owners of oil and gas permits and leases that have heretofore been issued and those that may hereafter be issued on University land may sell and transfer same as a whole or in tracts not less than forty acres, and the assignee may have the instruments evidencing such transfer filed in the General Land Office and that portion so transferred separated from the parent tract or parent subdivision of a tract permit or lease on the records of said office upon the payment of one dollar as a filing fee for each transfer and an additional fee of ten cents per acre for each acre in such transfer. The Commissioner of the General Land Office may, when deemed necessary, require field notes before filing a transfer. All transfers shall be recorded in the county or counties in which the area or a part thereof is located before offering same for filing in the land office. The one dollar filing fee shall be turned into the State Treasury to the credit of the general revenue and the acreage fee shall be turned into the State Treasury to the credit of the available fund of

the State University. The provision of this Act shall apply to permits and leases that may be held singly or in combination with other permits or leases.

Sec. 2. Owners of oil and gas permits, and leases based thereon, that were heretofore issued and those that may hereafter be issued that have been combined under the provisions of existing law and those that may hereafter be so combined, may dissolve such combinations in such manner as may be satisfactory to the owners thereof, and conditioned only upon the payment of the fees prescribed herein when transfers are presented for filing in the General Land Office after having been recorded in the county or counties in which the area or part thereof may be located; provided no acreage fee shall be charged under this Act; when a transfer includes a whole permit or a whole lease or a whole tract in a permit or lease.

Sec. 3. When the transfers provided for herein shall have been filed in the General Land Office the assignee or assignees in such transfer shall become substituted for the original permittee or leesee, as the case may be, and thereby assume all the obligations, pains and penalties that the law imposed upon the original permittee or leesee.

Sec. 4. The fact that owners of oil and gas permits cannot sell and transfer their holdings except as a whole and have the portion so transferred separated on the records of the General Land Office and recognized by the State as such assignee thereby retarding transactions and development of the areas, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read upon three separate days in each House be suspended and that this be placed upon third reading and final passage and take effect from and after its passage, and it is so enacted.

(2). Amend H. B. No. 116 by striking out all above the enacting clause and substitute the following:

"An Act to authorize owners of oil and gas permits and leases heretofore or hereafter issued on University land to sell and transfer same as a whole or in tracts not less than forty acres; providing for recording transfers, filing same in the General Land Office; subdividing permits and leases, upon payment of certain fees; providing for dissolution of combined permits and leases, appro-

priating fees to general revenue and University available fund, providing for assignees to assume obligations of the original permittee or lessee, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Berkeley, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 116 put on its third reading and final passage, by the following vote:

## Yeas—21.

Bailey.	Pollard.
Berkeley.	Price.
Bowers.	Real.
Davis.	Reid.
Floyd.	Russek.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Wood.
Moore of Cooke.	Woodward.
Parr.	

## Absent.

Fairchild.	Smith.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Murphy.	Witt.
Parnell.	

## Absent—Excused.

Bledsoe.

The bill was laid before the Senate, read third time and passed finally, by the following vote:

## Yeas—21.

Bailey.	Pollard.
Berkeley.	Price.
Bowers.	Real.
Davis.	Reid.
Floyd.	Russek.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Wood.
Moore of Cooke.	Woodward.
Parr.	

## Absent.

Fairchild.	Smith.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Murphy.	Witt.
Parnell.	

## Absent—Excused.

Bledsoe.

## Senate Bill No. 167.

The Chair laid before the Senate, on third reading,

S. B. No. 167, A bill to be entitled "An Act creating the Matagorda Independent School District in Matagorda County, Texas, and declaring an emergency."

The bill was read third time and passed finally, by the following vote:

## Yeas—24.

Bailey.	Parr.
Berkeley.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Witt.
Moore of Cooke.	Wood.
Parnell.	Woodward.

## Absent.

Miller.	Smith.
Moore of Hunt.	Ward.
Murphy.	Wirtz.

## Absent—Excused.

Bledsoe.

## Senate Bill No. 168.

The Chair laid before the Senate, on third reading,

S. B. No. 168, A bill to be entitled "An Act to repeal Chapter 134 of the Local and Special Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, being 'An Act to create a more efficient road law for Walker County, Texas, etc.,' as amended by Chapter 6 of the Special Laws of the First Called Session of the Thirty-fourth Legislature of the State of Texas, and as further amended by Chapter 32 of the Special Laws of the Third Called Session of the Thirty-sixth Legislature of the State of Texas, to place Walker County under the operation of the general road laws of the State of Texas, and providing that nothing in this Act shall affect in any wise road bonds heretofore issued by said Walker County or any subdivision thereof, or impair any existing contract executed or entered into by the commissioners' court of said Walker County pursuant to the special road law hereby repealed, and declaring an emergency."

The bill was read third time and passed finally, by the following vote:

Yeas—23.

Bailey.	Pollard.
Berkeley.	Price.
Bowers.	Real.
Davis.	Reid.
Floyd.	Russek.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Witt.
Moore of Cooke.	Wood.
Parnell.	Woodward.
Parr.	

Absent.

Fairchild.	Smith.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Murphy.	

Absent—Excused.

Bledsoe.

#### Senate Bill No. 17.

The Chair laid before the Senate, on third reading,

S. B. No. 179, A bill to be entitled "An Act to create the White Pond Common County Line School District in Fisher and Jones Counties, Texas, including therein the present White Pond Common County School District No. 5 in Fisher and Jones Counties; providing a board of trustees therefor, vesting said county line school district board of trustees with all the rights, powers, privileges and duties conferred upon common county line school districts incorporated under the General Laws of Texas; and providing for a board of trustees to serve until the time for the next election of school trustees as provided by General Law; conferring upon Fisher County jurisdiction over the said district; providing for the validation of all contracts, bonds or other indebtedness and tax levies of the present Common County Line District No. 5, as subsisting obligations and acts of the White Pond Common County Line District, as created by the Act, and declaring an emergency."

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Fairchild.
Berkeley.	Floyd.
Bowers.	Hardin of Erath.
Davis.	Hardin of Kaufman.

Holbrook.	Russek.
Lewis.	Strong.
Moore of Cooke.	Stuart.
Parnell.	Triplett.
Parr.	Ward.
Pollard.	Witt.
Price.	Wood.
Real.	Woodward.
Reid.	

Absent.

Miller.	Smith.
Moore of Hunt.	Wirtz.
Murphy.	

Absent—Excused.

Bledsoe.

#### House Bill No. 139.

The Chair laid before the Senate, on second reading,

H. B. No. 139, A bill to be entitled "An Act providing for the development and improvement of navigation of the inland coastal waters of this State pursuant to Section 59 of Article 16 of the State Constitution; providing for the preservation and conservation of inland and coastal waters of this State under said constitutional provision; providing for navigation districts; providing for the raising of the necessary funds, the issuance of bonds and the levying and collection of necessary taxes for such purposes; providing all things necessary and incident to such purpose and subject."

The committee report, that the bill be not printed, was adopted.

H. B. No. 139 was read second time and passed to third reading.

#### Senate Bill No. 175.

The Chair laid before the Senate, on third reading,

S. B. No. 175, A bill to be entitled "An Act to permit the issuance to, and use by Senators and members of the House of Representatives and their families, of free railroad transportation and sleeping car accommodations."

The bill was read third time and passed finally.

#### Senate Bill No. 151.

Senator Woodward called up from the table, and the Chair laid before the Senate, on second reading,

S. B. No. 151, A bill to be entitled "An Act to amend Article 5695, Revised Civil Statutes of 1911 of the

State of Texas as amended by Chapter 123, page 250 of the Acts of the Regular Session of the Thirty-third Legislature of 1913, as amended by Chapter——, page 39 of the Session Laws of the First Called Session of the Thirty-third Legislature of 1913, relating to liens reserved in deeds, deeds of trust, vendor's lien notes and the extension thereof by adding thereto the following, to-wit: 'Provided, however, that the lien retained in the original mortgage, deed of trust or conveyance of recorded extension, shall not extend beyond four years from the date of the maturity of the indebtedness specifically described therein;' and declaring an emergency."

Senator Woodward offered the following several amendments, severally, which were read and adopted.

1. Amend the caption of S. B. No. 151, line 14, by striking out the words "the following to-wit," 'provided, however, that,' and insert therein and in lieu thereof the following: "Article 5695a" reading as follows: "

2. Amend line 26 in Section 1 by striking out the words "the following to-wit," and insert therein the following: "Article 5695a" so as to read as follows: "

3. Amend S. B. No. 151, line 27, in Section 1 by striking out the words "provided, however, that" and insert in lieu thereof the following: "Article 5695a."

The bill was then ordered engrossed.

#### Senate Bill No. 149.

The Chair laid before the Senate, on second reading,

S. B. No. 149, A bill to be entitled "An Act to create 101st Judicial District of Texas; to name the counties composing said district; to prescribe the time of holding term of the district court in said district; to prescribe the jurisdiction of said court and giving authority to the judges of the 101st Judicial District of Texas, and the Fifth Judicial District of Texas to transfer cases from their respective courts to the other said courts in Bowie County, Texas, either in term time or in vacation; to provide for the appointment of a judge for the 101st Judicial District and providing for the district attorney of the Sixth Judicial District to prosecute all criminal cases in the 101st Judicial District while sitting

in Red River County until the expiration of his present term of office and thereafter for the county attorney of Red River County to prosecute all criminal cases in the district court of the 101st Judicial District while sitting in Red River County; and providing that the district clerk of each of said counties shall be the clerk for the 101st Judicial District; providing for the process issued in the Sixth Judicial District to be returnable to said 101st Judicial District in Red River County and providing that all cases pending in the district court of Red River County and in the Sixth Judicial District at the time of the taking effect of this Act be and the same are hereby transferred to the 101st Judicial District Court; and providing that the Sixth Judicial District shall be composed hereafter of the counties Lamar and Fannin; and prescribing the time of holding terms of court in said Lamar and Fannin Counties; and providing in case any section of this Act should be held unconstitutional then and in that event it shall not affect the validity of any of the other sections hereof; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 149 was read second time and passed to engrossment, by the following vote:

#### Yeas—15.

Davis.	Reid.
Fairchild.	Smith.
Floyd.	Stuart.
Hardin of Erath.	Triplett.
Holbrook.	Ward.
Parnell.	Witt.
Parr.	Wood.
Price.	

#### Nays—11.

Bailey.	Moore of Cooke.
Berkeley.	Real.
Bowers.	Russek.
Hardin of Kaufman	Strong.
Lewis.	Woodward.
Miller.	

#### Absent.

Moore of Hunt.	Pollard.
Murphy.	Wirtz.

#### Absent—Excused.

Bledsoe.

**Senate Bill No. 169.**

The Chair laid before the Senate, on second reading,

S. B. No. 169, A bill to be entitled "An Act to provide for the organization and government of Water Control and Improvement Districts under and in accordance with the provisions of Section 52 of Article 3 of the Constitution, and or, under and in accordance with the provisions of Section 59 of Article 16 of the Constitution, providing such districts may have and exercise all the authority and privileges provided by the Constitution, providing the manner of organizing and operating, issuing notes and bonds, incurring debts, levying taxes and assessments to pay bonds and debts and interest and charges thereon and operating expenses, and having such debts and bonds approved and validated, including the validation of proceedings of organization and issuance of bonds by such districts and by water improvement and irrigation districts becoming or being converted into such water control and improvement districts. Providing such districts may acquire water rights and other property and buy, acquire or construct improvements, reservoirs, dams, canals, levees, drainage ditches, and any and all rights, properties or things incident to the control and improvement of rivers, streams, creeks, and water courses and supplies, and including all the rights and privileges and functions provided for by the Constitution, providing such districts may contribute to or receive contributions from any person, municipal corporation, county, district, water improvement district, irrigation district, levee improvement district or improvement district that such contributions may be made upon a definite percentage or fixed or determined basis and may be made by any such person or organization. Providing for the election and the appointment of five directors and the officers and employes of a district and their qualifications and bonds and oaths, and the duties and authority thereof, the manner of incurring debts and issuing notes and bonds and levying and assessing taxes on all property in a district subject to taxation to pay such debts and operating expenses, including organization and incidental expenses. Providing for receipt and expendi-

ture of funds, selection of depositories, sale of water, including and excluding lands, and the management and operation and conduct of such districts, the consolidation of districts, joint operation of two or more districts in construction of improvements, and provisions for the government, control and operation thereof. Providing that irrigation and water improvement districts may be converted into water control and improvement districts. Providing the method of organizing districts in cities and towns. Providing this Act shall not in any manner affect or repeal other laws providing other methods of organizing districts nor repeal or affect laws providing for the organization of water or water improvement districts, levee improvement districts or drainage districts, but that this Act shall apply to and affect only districts organized hereunder or converted into water control and improvement districts under the provisions hereof, and declaring an emergency."

The bill was read second time and passed to engrossment.

**Senate Bill No. 147.**

The Chair laid before the Senate, on second reading,

S. B. No. 147, A bill to be entitled "An Act for the protection of those who have filed exemption or homestead donation claims on school Section 2, S. F. Ry. Co. certificate sixteen sixty-eighths in Jack County, Texas, by authorizing the original pre-emptors or their assignees in good faith and for value to purchase, and the Commissioner of the General Land Office to sell to them such portions as they own in good faith and for value under said pre-emption or homestead claim, at fifty cents (\$.50) per acre, after they have filed field notice in the General Land Office, and have set such requirements as the law imposes on the owners of homestead or pre-emption claims, and purchasers of school lands desiring patents, therefor, and declaring an emergency."

The bill was read second time and passed to engrossment.

**Senate Bill No. 205.**

The Chair laid before the Senate, on second reading,

S. B. No. 205, A bill to be entitled "An Act to amend Chapter 109, being House Bill No. 564 passed at the Reg-

ular Session of the Thirty-eighth Legislature of the State of Texas and entitled, 'An Act amending Sections 6 and 6a of Chapter 8, being House Bill No. 45 passed at the First Called Session of the Thirty-seventh Legislature of the State of Texas, and entitled 'An Act to amend Chapter 46 of the General Laws of the State of Texas at the Regular Session of the Thirty-fifth Legislature, being an Act to reorganize the Twenty-eighth Judicial District of the State of Texas, etc.'"

The committee report, that the bill be not printed, was adopted.

Senate Bill No. 205 was read second time and passed to engrossment.

#### Senate Resolution No. 28.

By Senator Parr:

Whereas, There are a number of bills with the Enrolling and Engrossing Committee to be engrossed and enrolled; and

Whereas, An additional employe is necessary in order to do the work that is to be done; therefore be it

Resolved, That Bob King be appointed assistant engrossing clerk at a salary of five (\$5.00) dollars per day to serve during the Regular Session of the Thirty-ninth Legislature.

PARR.

BOWERS.

WOODWARD.

STUART.

LEWIS.

The resolution was read and adopted.

#### Senate Bill No. 154.

Senator Woodward called from the table, and the Chair laid before the Senate, on second reading,

S. B. No. 154, A bill to be entitled "An Act to amend Article 790 of the Code of Criminal Procedure of 1911 of the State of Texas, by omitting therefrom the following: 'Providing that where there are two or more persons jointly charged or indicted, and a severance is had, the privilege of testifying shall be extended only to the person on trial.'"

Senator Woodward offered the following amendments:

Amend the Caption to S. B. No. 154 by striking out lines 7, 8, 9, 10, 11, 12 and insert the following in lieu thereof:

"An Act to amend Article 790 of the Code of Criminal Procedure of 1911 of the State of Texas, by omitting therefrom 'Nor shall the same be alluded to or commented on by counsel in the

cause, provided that where there are two or more persons jointly charged or indicted and a severance is had, the privilege of testifying shall be extended only to the person on trial,' 'and by adding to said article as amended the following: 'And it shall be the duty of the trial court to so inform the jury.'"

The amendment was read and adopted.

Senator Woodward offered the following amendment:

Amend S. B. No. 154 by striking out line 17, 18, 19, 20 and 21, and inserting therein the following:

"Any defendant in a criminal action shall be permitted to testify in his own behalf therein, but his failure to do so shall not be taken as a circumstance against him, and it shall be the duty of the trial court to so inform the jury."

The amendment was read and lost.

Senator Strong offered the following amendment:

Amend the amendment No. 1, of S. B. No. 154 by striking out the following:

"Nor shall the same be alluded to or commented on by counsel in the cause."

On motion of Senator Wood the bill was laid on the table, subject to call.

#### S. B. No. 235—Re-committed.

On motion of Senator Bailey Senate Bill No. 235 be withdrawn from Committee on Civil Jurisprudence and referred to Committee on Criminal Jurisprudence.

#### Simple Resolution No. 29.

By Senator Hardin of Erath:

In view of the fact that the Senate has heretofore passed Senate Bill No. 84 and it is now in the House and has been referred to Committee, and

Whereas, Upon investigation of the Statutes of 1920 and the laws passed at former sessions of the Texas Legislature, we find in many instances that there are variances, omissions and additions to various and sundry articles of the Statutes, and in view of the fact in many instances the meaning as well as the intent of the Legislature has been changed, and that the new codification just passed, being Senate Bill No. 84, would materially affect many departments if it is permitted to stand as it is; therefore be it

Resolved, That the Senate ask the House to return to them Senate Bill No. 84 in order that the same may be more thoroughly inspected and compared, and so that in no case will the law be changed as in many instances it seems to be.

Therefore, I move that the Senate ask the House to return Senate Bill No. 84 in keeping with the above.

The resolution was read and lost, by the following vote:

Yeas—13.

Berkeley.	Miller.
Davis.	Moore of Hunt.
Fairchild.	Parr.
Floyd.	Pollard.
Hardin of Erath.	Russek.
Hardin of Kaufman	Stuart.
Lewis.	

Nays—14.

Bailey.	Smith.
Bowers.	Strong.
Holbrook.	Triplett.
Moore of Cooke.	Ward.
Parnell.	Witt.
Price.	Wood.
Reid.	Woodward.

Absent.

Murphy.	Wirtz.
Real.	

Absent—Excused.

Bledsoe.

#### Bill Signed.

The Chair, Lieutenant Governor Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 101.

#### Adjournment.

On motion of Senator Wood, the Senate, at 3:10 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

#### APPENDIX.

##### Committee Reports.

Committee Room,  
Austin, Texas, Feb. 2, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining and Irrigation, to whom was referred

S. B. No. 159, A bill to be entitled  
"An Act relating to the creation of

conservation and reclamation districts under and by virtue of the provisions of Section 59, of Article 16, of the State Constitution, to be known as levee improvement districts, for the purpose of reclaiming lands from overflow rivers, creeks and streams, by system of levees, drainage and other improvements; prescribing how such districts may be created, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendments:

Strike out all before the enacting clause and insert in lieu thereof the following:

"An Act relating to conservation and reclamation districts under and by virtue of the provisions of Section 59, of Article 16, of the State Constitution, known as levee improvement districts, having power and authority to reclaim lands from overflow from rivers, creeks and streams, by system of levees, drainage and other improvements; prescribing how such districts may be created; defining their rights, powers and privileges, and the manner of their exercise; constituting such districts when created governmental agencies and bodies politic and corporate, and fixing their rights and liabilities as such; providing for the construction, maintenance and protection of works and improvements erected by them; granting to such districts the power of eminent domain; providing for the assessment, levy and collection of taxes; granting to such district the power to issue bonds and create indebtedness to raise funds for the object of their creation; relating to the making of contracts for construction of levees and other works of improvement and providing for the appropriation of funds in payment thereof; requiring the State Reclamation Engineer to inspect such districts and improvements under construction therein; making penal interference with or injury to their works or improvements; fixing penalties and punishments to be imposed on persons offending in those regards, as well as for building levees without lawful authority; enacting provisions necessary and incidental to the subject and purpose of this Act; repealing all laws and parts of laws in conflict herewith;



providing that this Act shall not repeal any drainage district laws or irrigation or water improvement district laws; and declaring an emergency."

MURPHY, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 3, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 216, A bill to be entitled "An Act to amend Chapter 28, Special Laws of the Thirty-second Legislature, Regular Session, being entitled 'An Act creating the Oak Alla Independent School District in Burnet County, Texas; defining its metes and bounds; providing for a board of trustees therefor; vesting it with the rights and duties of districts incorporated for school purposes only under the General Laws, and declaring an emergency,' by amending Section 4 of the said Act so that the same shall hereafter read as herein set out; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 3, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 215, A bill to be entitled "An Act to create the Anton Independent School District in Hockley and Lamb Counties, Texas, including therein a part of Common School District No. 2, in Hockley County, Texas, and a part of the Littlefield Independent School District in Lamb County, Texas, and defining its boundaries; providing for the election of a board of trustees therefor; vesting said independent school district with all of the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; declaring that all taxes and bonds heretofore authorized by any former district or districts, part or parts of which are included in the Anton

Independent School District shall remain in full force and effect, and for the payment of the pro rata thereof, or the pro rata parts thereof; repealing all laws or parts of laws in conflict herewith in so far as they may relate to it; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provision thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 3, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 131, A bill to be entitled "An Act to create the Liberty Independent School District in Bailey County, Texas, out of territory now comprising Common School District No. 3, of Bailey County, as heretofore created by the county board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the said Liberty Independent School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 3, of Bailey County; providing that title to any and all property of said common school district shall be vested in the trustees of independent school district hereby created; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected and qualified in accordance with the General Laws of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 137, A bill to be entitled "An Act creating the Matador Independent School District in Motley County, Texas; defining the boundaries thereof; vesting the management thereof in a board of trustees; providing for their election and for the organization of the board; vesting said district with all the rights, powers, privileges and duties of a town or village incorporated under the Laws of the State for free school purposes only; vesting the board of trustees with the rights, powers, privileges and duties conferred and imposed by the General Laws of this State upon trustees of independent school districts incorporated under the General Laws of the State of Texas; providing for the appointment of an assessor and collector of taxes and board of equalization; divesting the title of all property theretofore and now vested in Common School District No. 6, of Motley County, Texas, out of said district and vesting the same in the board of trustees of Matador Independent School District of Motley County; declaring in full force and effect all maintenance tax heretofore voted, and all bonds heretofore issued by said Common School District No. 6, of Motley County, to be in full force and effect in so far as this Act might affect them, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 227, A bill to be entitled "An Act to amend Chapter 55, Special Laws of the Thirty-second Legislature, Regular Session, being entitled 'An Act creating the Briggs Independent School District in Burnet County, Texas; defining its metes and bounds; providing for a board

of trustees therefor; vesting it with the rights and duties of districts incorporated for school purposes only under the General Laws, and declaring an emergency,' by amending Section 4 of the said Act so that the same shall hereafter read as herein set out; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining and Irrigation, to whom was referred

S. B. No. 181, A bill to be entitled "An Act declaring that Tarrant County Water Improvement District No. 1 has heretofore been duly and regularly established as a defined water improvement district in accordance with the provisions of Chapter 87, Acts of the Thirty-fifth Legislature, and Acts additional thereto or amendatory thereof; defining the boundaries of said district; granting said district a special law for its local government; defining its powers; prescribing its duties and liabilities; providing for the election of directors of said district and vesting in them the management and control of all the business and property of said district; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

MURPHY, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 233, A bill to be entitled "An Act providing that all statements made to any fraternal benefit society by the insured shall, in the absence of fraud, be deemed representations and not warranties; that the policies shall be incontestible after two years from date; and providing that in all cases where a loss occurs and the fraternal benefit society liable thereunder shall

fail to pay the same within thirty days after demand therefor, such society shall be liable to pay the beneficiary of such policy in addition to the amount of the loss, twelve per cent damages on the amount of such loss together with reasonable attorneys' fees for the prosecution and collection of such loss."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

RUSSEK, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 108, A bill to be entitled "An Act validating Consolidated Common School District No. 11 of Palo Pinto County, Texas, as same is described in an order of the commissioners' court of Palo Pinto County, Texas, of date July 28, 1924; validating an election for schoolhouse and equipment bonds and the purchase of a site for said schoolhouse, in the sum of \$5,000.00, held on August 23, 1924, together with all orders of the commissioners' court of Palo Pinto County, pursuant to said election and in respect to said bonds; also validating all levies of taxes made by said commissioners' court for the purpose of providing interest and sinking fund for said bonds; authorizing the Attorney General to approve said bonds; defining the powers of the school trustees of Palo Pinto County in respect to said district; validating an election for assumption by Consolidated District No. 11 of bonds of component districts, together with all orders of the commissioners' court of Palo Pinto County pursuant to said election and in respect to said assumption, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Jan. 28, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 120, A bill to be entitled

"An Act to create the Big Wells Independent School District in Dimmit County, Texas; providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing for a board of trustees to serve until the time for the next election of school trustees as provided by General Law, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Land and Land Office, to whom was referred

S. B. No. 141, A bill to be entitled "An Act to authorize J. P. Dod to write and sign in duplicate the field notes for each of the subdivision field notes of the excess land recovered by the State of Texas in Dallam and Hartley Counties from Capitol Freehold Land and Investment Company Limited et al in the Fifty-third District Court of Travis County of April 26, 1924, as said surveys were made on the ground by R. S. Dod deceased under appointment of the Commissioner of the General Land Office, and adopting same as the legal survey making an appropriation for compensating said Dod for writing said field notes and duplicates, and providing that when the original and duplicate field notes are filed in the General Land Office and in said counties they shall have the same force and effect as if they had been written and signed by the said original surveyor, R. S. Dod, or a county surveyor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

REAL, Chairman.

Committee Room,  
Austin, Texas, Feb. 3, 1925.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on  
Public Lands and Land Office, to  
whom was referred

H. B. No. 116, A bill to be entitled  
"An Act to authorize owners of oil  
and gas permits and leases hereto-  
fore or hereafter issued on Univer-  
sity land to sell and transfer same  
as a whole or in tracts not less than  
forty acres, except in cases where a  
less quantity remains in a permit or  
lease; providing for recording trans-  
fers, filing same in the General Land  
Office; subdividing permits and  
leases, upon payment of certain  
fees; providing for dissolution of  
combined permits and leases, appro-  
priating fees to General Revenue  
and University available fund; pro-  
viding for assignees to assume obli-  
gations of the original permittee or  
lessee, and declaring an emergency."

Have had the same under consid-  
eration, and I am instructed to re-  
port the same back to the Senate  
with the recommendation that it do  
pass, and be not printed.

REAL, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1925.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on  
State Affairs, to whom was referred

H. B. No. 47, A bill to be entitled  
"An Act amending Article 7542 and  
7569 of Title 126, Chapter 12, Re-  
vised Civil Statutes of the State of  
Texas of 1911, relating to the time  
property shall be valued for taxation  
purposes. Repealing all laws and  
parts of laws in conflict with this  
Act, and declaring an emergency."

Have had the same under consid-  
eration, and I am instructed to re-  
port the same back to the Senate  
with the recommendation that it do  
pass.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1925.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on  
State Affairs, to whom was referred

H. B. No. 130, A bill to be entitled  
"An Act to amend Section 1, Chapter  
77, General Laws of the Thirty-  
eighth Legislature, Regular Session

providing for the omission of  
Houston County, and declaring an  
emergency."

Have had the same under consid-  
eration, and I am instructed to re-  
port the same back to the Senate  
with the recommendation that it do  
pass, and be not printed.

WIRTZ, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, Feb. 3, 1925.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, a majority of your Com-  
mittee on Public Health, to whom  
was referred

S. B. No. 185, A bill to be entitled  
"An Act providing for the licensing  
of chiropractors for registering li-  
cense granted to chiropractors and  
certain sworn statements required to  
be made by chiropractors, and pro-  
viding for the duty of the county  
clerk in reference thereto; providing  
for the introduction of certain rec-  
ords and certain copies thereof in  
evidence and the effect of such evi-  
dence; defining the practice of chiro-  
practic; providing for penalties for  
violation of this Act; providing for  
and creating a State Board of Chiro-  
practor Examiners, its appointment,  
and defining the powers and duties  
of such board; providing for the  
qualification of its members, their  
term of office, the election of its of-  
ficers, its meetings and the keeping  
of certain records pertaining to its  
proceedings; providing for fees to  
be paid by applicants for license and  
by licensed chiropractors; the dispo-  
sition to be made of such fees, the  
suspending of licenses upon failure  
to pay certain fees; providing for the  
subject in which applicants for li-  
censes shall be examined, those en-  
titled to examination and the man-  
ner of conducting such examination;  
providing for the right to practice  
chiropractic in the State of Texas  
and the making of death and other  
certificates; providing for the re-  
fusal of the right to practice chiro-  
practic to certain classes of persons;  
providing for the revocation of li-  
cense to practice chiropractic to cer-  
tain classes of persons; defining the  
word "board" as used in this Act;  
providing for the preservation of  
several sections of this law; defining  
who is a practitioner of chiropractic  
and what is the chiropractic science;  
providing for penalties for the vio-

lation of this Act; providing for reciprocity; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BERKELEY, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Public Health, to whom was referred

S. B. No. 185,

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do not pass.

BERKELEY,  
PARNELL.

Committee Room,

Austin, Texas, Feb. 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 106, A bill to be entitled "An Act regulating the manufacture, distribution, sale, prescription and furnishing of intoxicating liquor in this State; regulating the handling and traffic in intoxicating liquor for medicinal purposes; regulating prescriptions of intoxicating liquor by physicians and the sale or furnishing of intoxicating liquor by druggists, pharmacists and drug stores; prescribing the necessary regulations, requirements and penalties to carry out such purpose; providing for the keeping of the necessary information and records and the filing of same with public officers and agents to facilitate the enforcement of the liquor laws; amending Chapter 78, General Laws of the Second Called Session of the Thirty-sixth Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 225, A bill to be entitled "An Act to amend Article 2909bb, Chapter 20, Title 48, of the Revised Civil Statutes of the State of Texas, as amended by Chapter 44, Section 5, printed Acts of the First Called Session of the Thirty-fifth Legislature, 1917, providing for a uniform system of textbooks; repealing all laws and parts of laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 4, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 167 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 4, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 38 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 4, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 115 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 4, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 119 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 143 carefully examined and compared, and find the same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 153 carefully examined and compared, and find the same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 162 carefully examined and compared, and find the same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 163 carefully examined and compared, and find the same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 168 carefully examined and compared, and find the same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 179 carefully examined and compared, and find the same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 3, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 101 carefully examined and compared, and

find the same correctly enrolled, and have this day at 11:45 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

## NINETEENTH DAY.

Senate Chamber,  
Austin, Texas,

Thursday, February 5, 1925.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Wood.
Parnell.	Woodward.

Absent.

Murphy. Witt.

Absent—Excused.

Bledsoe.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Bailey.

Excused.

Senator Murphy was excused for today and balance of the week, on motion of Senator Wirtz.

Petitions.

Senator Moore of Cooke offered a telegram from Sherman Council Parents and Teachers urging the appropriation for the Girls' Training School at Gainesville.

Bills and Resolutions.

By Senator Moore of Hunt:

S. B. No. 240, A bill to be entitled "An Act to amend Chapter 63, Local and Special Laws of the Third Called Session of the Thirty-sixth Legisla-